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Security Council

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Letter dated 3 February 2010 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Panama submitted pursuant to resolution 1624 (2005) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ertuğrul **Apakan**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

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Annex to the letter dated 3 February 2010 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

[Original: Spanish]

Report on the implementation of resolution 1624 (2005) by the Republic of Panama

1. *Calls upon* all States to adopt such measures as may be necessary and appropriate and in accordance with their obligations under international law to:

(a) Prohibit by law incitement to commit a terrorist act or acts;

Reply:

While our criminal law establishes various terrorism-related offences, it does not prohibit incitement to or commission of a terrorist act or acts. Incitement to commit any offence is, however, clearly covered by and established in the Penal Code.

(b) Prevent such conduct;

Reply:

The previous reply is applicable to this question.

(c) Deny safe haven to any persons with respect to whom there is credible and relevant information giving serious reasons for considering that they have been guilty of such conduct;

Reply:

Many States' domestic law, including ours, include only general, not specific, provisions applicable to this offence. Thus, our domestic law criminalizes this type of offence *sui generis*.

2. *Calls upon* all States to cooperate, inter alia, to strengthen the security of their international borders, including by combating fraudulent travel documents and, to the extent attainable, by enhancing terrorist screening and passenger security procedures with a view to preventing those guilty of the conduct in paragraph 1 (a) from entering their territory;

Reply:

Aviation security:

The aviation security standards and methods for preventing acts of unlawful interference that are recommended by the International Civil Aviation Organization have been adopted; these include:

(a) The National Civil Aviation Security Programme;

(b) Book XXXVI of the civil aviation regulations (aviation standards); and

(c) The Airport Security Programme.

The Penal Code defines, criminalizes and establishes penalties for offences against means of land, sea and air transport.

In addition, Act No. 21 of 29 January 2003 regulates civil aviation in Panama.

The Inter-American Development Bank Multilateral Investment Fund Airport Security Project has been developed with a view to the introduction of a modern closed-circuit television system at the national level in order to monitor airports in the interior of the country.

Steps are being taken in order to obtain a modern X-ray simulation system that will strengthen national capacities, and staff are being trained in order to strengthen institutional structures in the field of airport security.

The measures mentioned in Panama's previous report to the Committee have also been taken.

Maritime security:

An inter-agency committee coordinated by the Council for Public Safety and National Defence is responsible for port protection.

In order to combat terrorism, the International Maritime Organization International Ship and Port Facility Security Code, the Ship Security Officer Certificate and the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, as amended, are being implemented.

A Committee on Offenders has been established pursuant to the International Convention on Standards of Training Certification and Watchkeeping for Seafarers and, in compliance with this international instrument, a list of offenders is compiled and sent annually to the International Maritime Organization.

The measures mentioned in Panama's previous report to the Committee have also been taken.

3. *Calls upon* all States to continue international efforts to enhance dialogue and broaden understanding among civilizations, in an effort to prevent the indiscriminate targeting of different religions and cultures, and to take all measures as may be necessary and appropriate and in accordance with their obligations under international law to counter incitement of terrorist acts motivated by extremism and intolerance and to prevent the subversion of educational, cultural, and religious institutions by terrorists and their supporters;

Reply:

Act No. 14 of 18 May 2007 defines, criminalizes and establishes penalties for any act aimed at the destruction, in whole or in part, of a specific group of human beings on grounds of their nationality, race, ethnicity or religious or political beliefs.

It also criminalizes illegal persecution of such a group on grounds of political belief, ethnicity, race or gender.

4. *Stresses* that States must ensure that any measures taken to implement paragraphs 1, 2 and 3 of this resolution comply with all of their obligations under international law, in particular international human rights law, refugee law, and humanitarian law;

Reply:

The international human rights, refugee and humanitarian treaties and conventions ratified by the Republic of Panama are deemed to be part of domestic law. Violation of these international instruments therefore constitutes a violation of domestic law.